

Hans-Georg Klein  
Serial No.: 10/621,915  
Amdt. dated September 12, 2005  
Reply to Office Action of 05/11/05

ARGUMENTS/REMARKS

In the Office Action, objection was made to claims 21-25 for reasons set forth in the Office Action. The objection is overcome by adopting the suggestion of the Examiner.

Claims 21-23 were rejected under 35 USC 102 as being anticipated by Lou (US 4,684,568) for reasons set forth in the Office Action. Claims 24 was rejected under 35 USC 103 as being unpatentable over Lou in view of Weiter et al (US 5,219,635) and also over the combined teachings of Lou, Corovin (DE 29801953), and Weiter et al for reasons set forth in the Office Action.

Claim 25 was rejected under 35 USC 103 as being unpatentable over the combined teachings of Lou, Corovin and Ambrosch (DE 19908465) for reasons set forth in the Office Action. Claims 21-23 were rejected further under 35 USC 103 as being unpatentable over Corovin in view of Lou for reasons set forth in the Office Action.

Reconsideration of these rejections is requested in view of the amendment and argument herein.

Lou discloses a process for producing a breathable roofing underlayment comprising a carrier onto which a membrane is applied directly using an extruder. The difference between Lou and the invention is the material of the layer which is brought onto the carrier. In Example 3, Lou discloses polypropylene resin with a polyester carrier sheet. In Example 1 and 2, Lou discloses polypropylene resin and carrier sheet of polypropylene, thereby providing a layer which is made by the same material as the carrier. Due to the identity of the two materials no separate adhesive (resin) is necessary to bond the layer onto the carrier. The more or less liquid layer material has a temperature which melts the surface of the carrier. The two materials freeze to be connected. Claim 21 is amended to recite materials for the film and the carrier. The materials are disclosed in original claims 2 and 3.

The layer of the present invention is made by a hotmelt adhesive. The adhesive material is different from the carrier material. A hotmelt adhesive contains a resin and has the property of sticking to different materials when it is hot (page 2 of the specification). The hotmelt material is activated by heating.

DE 29801953 U1 Corovin, discloses on page 3 the use of a hotmelt adhesive as material for a layer which is brought on a carrier of a roofing underlayment. But page 3, first paragraph of Corovin discloses that such a hotmelt adhesive layer must be relative thick. A thick hotmelt adhesive is not able to transport water vapor.

According to the process of the present invention, a thin film of 20g/m<sup>2</sup> or less is deposited on the carrier. This limitation has been inserted into claim 21.

It is not obvious to exchange the PP material disclosed by Lou into a hotmelt adhesive disclosed by Corovin since Corovin argues that the use of hotmelt adhesive as material for the layer is not possible if a diffusion of water vapor through the layer is wanted. As a result of this realization Corovin proposes materials which are compatible to each other.

Accordingly, the claims are believed to set forth a process for producing roofing that differs from the teachings of the cited art.


In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicant respectfully requests that a timely Notice of Allowance should be issued in this case.

Since the present claims set forth the present invention patentable and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted


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CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450, on September 12, 2005 (September 11, 2005 being a Sunday).

Dated: September 12, 2005

  
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